



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,778	01/11/2002	Michael Perkins	19353/6-CIP	3708
21710	7590	02/10/2005	EXAMINER	
BROWN, RUDNICK, BERLACK & ISRAELS, LLP. BOX IP, 18TH FLOOR ONE FINANCIAL CENTER BOSTON, MA 02111			HOEY, BETSEY MORRISON	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,778

Applicant(s)

PERKINS ET AL.

Examiner

Betsey M Hoey

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-21 is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 11 and 22 is/are rejected.
- 7) ☒ Claim(s) 6-9, 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1724

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn et al., U.S. Patent No. 4,790,943 (see column 1, lines 67-68; column 3, lines 25-35; column 5, lines 33-34). Dunn et al. teach a process for treating waste water of a poultry processing plant for reuse in the plant. The process comprises contacting the waste water with a strong oxidant such as ozone, which breaks down emulsions and causes floc formation of fat and grease, followed by steps of separation and filtration, and finally adding chlorine if necessary, which is known to disinfect water. Since the addition of ozone breaks down emulsions and causes floc formation of fat and grease in the process of Dunn et al., it is inherent that the addition of ozone results in the production of surfactants, compounds that reduce surface tension in emulsions. Since unreacted ozone is itself not a surfactant, it is inherent that the addition of ozone in the process of Dunn et al. results in a reaction that produces surfactants, thus enabling flocs of fat and grease to form as Dunn et al. teaches. It is known that surfactants break emulsions, and thus one of ordinary skill in the art of water treatment would have recognized that the step of adding ozone in the process of Dunn et al. inherently causes surfactant production, which in turn reduces surface tension and breaks down emulsions, causing floc formation of fat and grease as taught by Dunn et al. The waste water to be treated by the process of Dunn et al. can be obtained from various steps of

Art Unit: 1724

a poultry processing plant, including wash down, and therefore the waste water does not necessarily include any used chiller water, but may include chiller water as recited in claim 11. The process produces treated water having turbidity of less than 2 NTU used the addition of ozone in the process of Dunn et al. to produce surfactants by reaction with the water, in order to assist with, or enhance, the emulsion breaking and floc formation.

3. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,264,229 to Manning et al. Manning et al. teaches a process for processing poultry comprising adding a surfactant to chiller water. It is well-known in the art of water treatment that surfactants are agents which reduce surface tension in water, and thus it is inherent that when the surfactant of Manning et al. is added to chiller water, the surface tension in the water is reduced.

4. Claims 6-9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 13-21 are allowed.

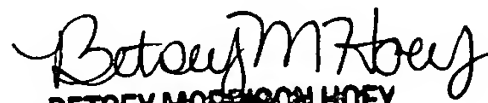
6. The following is a statement of reasons for the indication of allowable subject matter:

Claims 6-9 and 12 would be allowed if rewritten in independent form, including all of the limitations of the base claim and intervening claims, and claims 13-21 are allowed, for the reasons set forth in the previous Office Action.

Art Unit: 1724

7. Applicant argues that the claims are not obvious over Dunn et al., as alleged in the previous Office Action. After further examination of the claims, Examiner sees that the claims in question are anticipated by Dunn et al. because Dunn et al. adds the same agent to produce the same results as that of the process of instant claims 1-5, 10 and 11. Claim 22, as amended, required further search for Examiner and now is rejected over a prior art reference not previously cited.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsey Hoey whose telephone number is **(571) 272-1158**. The examiner can normally be reached on Mondays, Tuesdays, and Thursdays. The examiner's supervisor, Mr. Duane Smith, may be reached at (571) 272-1166. Any inquiry of general nature may be directed to the Group receptionist at (571) 272-0987. The centralized fax number for the Group is (703) 872-9306. The examiner Rightfax number is (571) 273-1158.


BETSEY MORRISON HOEY
PRIMARY EXAMINER
February 7, 2005